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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2161

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,903

Applicant(s)

CHATFIELD ET AL.

Examiner

Haythim J. Alaubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 61 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-35 and 61 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is a Final Office Action in response to the Amendment of April 19, 2005.
2. The Examiner acknowledges the cancellation of Claims 30-60.
3. Claims 1-35 and 61 are presented for examination following the Amendment of April 19, 2005.
4. The objection to Claims 1, 7, 14 and 16 regarding the informalities are hereby withdrawn.
5. Claims 1, 20 and 61 are the currently the independent claims.
6. Claims 1-15, 20-28, 31-35 and 61 are rejected under 35 U.S.C. 102(b)
7. Claims 16-19 and 29-30 are rejected under 35 U.S.C. 103(a).

Response to Arguments

8. Applicant's arguments filed on April 19, 2005 have been fully considered and are found not persuasive.

Applicant argues on page 15, third paragraph of the April 19, 2005 amendment that a lack of teachings in Cogger and Mighdoll of the limitation that a single system through which services from disparate service providers maybe provided to an end-user based on the service requested by the end-user. The Examiner however respectfully disagree. Cogger teaches the above limitations through out the reference wherein the service provider is the owner of the ticket or the organization owning the ticket who is responsible for providing the service or the fix (please see Col 16, Lines 10-46).

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Please note that the argued "single system" is disclosed by Cogger (please see Col 16, Lines 34-41).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-15, 20-28, 31-35 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Timothy Cogger (U.S. Patent No. 6,032,184 and Cogger hereinafter).

Regarding Claims 1-2, 32 and 61, Cogger, discloses:

a service provider selection mechanism (database¹) (Col 2, Lines 19-25; see also Col 6, Lines 10-14; see also Col 3, Lines 26-30; see also Col 3, Lines 34-39, i.e. *the Web-server downloads an available suite of services for that customer*; see also Col 4, Lines 15-20, i.e. *display a scrollable table*) configured to relate a particular service provider to a particular end-user for providing the particular service to the particular end-user (Col 4, Lines 20-26, i.e. *an organization field indicating what customer or service organization that currently has authority over the trouble ticket*; see also Col 4, Lines 7-8, i.e. *a service organization that has been assigned the trouble ticket*); and

a path determination mechanism configured to determine a network path via the access network through which to connect the particular end-user through the access network to the particular service provider when the particular end-user requests the particular service (Col 12, Lines 25-35; see also Col 15, Lines 60-67; see also Col 16, Lines 9-14; see also Col 16, Lines 19-46).

Regarding Claim 3, Cogger discloses a distributed database (Figure No. 4, Element No. 17, i.e. plurality of web servers; see also Col 6, Lines 9-13).

Regarding Claim 4, Cogger discloses:

plurality of end-user service entries (Figure No. 11 and corresponding text, i.e. ticket list)

an end-user identification indicator (Figure No. 11, i.e. Ticket Number²; see also Col 3, Lines 48-56; see also Col 6, Line 66 through Col 7, Line 3, i.e. user identity, authentication and entitlement; see also Figure No. 8, i.e. phone number);

a selected service indicator (Figure 6, Element No. 316 and 318 and corresponding text; see also Col 13, Lines 7-14); and

¹ This is according to Claim No. 2.

² Please note that the Examiner's interpretation to the "end-user identification" is based on the ticket number according to Cogger's description on Col 3, Lines 31-39. Where the user (end-user) is logging on to the system (ticketing system) he/she is being authenticated to make sure he/she is entitled to use the system (please also see Col 3, Lines 48-56). The system now identified the user, so when a ticket number is assigned to that user, the ticket number can also be interpreted as a customer ID because it is unique to that user.

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a selected service provider indicator (Col 3, Lines 34-39, i.e. *the Web-server downloads an available suite of services for that customer*; see also Col 4, Lines 15-20, i.e. *display a scrollable table*; see also Col 4, Lines 20-26, i.e. *an organization field indicating what customer or service organization that currently has authority over the trouble ticket*; see also Col 4, Lines 7-8, i.e. *a service organization that has been assigned the trouble ticket*).

Regarding Claims 5 and 26, Cogger discloses wherein the end-user identification indicator is a telephone number (Figure No. 8, i.e. phone number).

Regarding Claims 6 and 33 Cogger discloses and operator of the access network (Col 3, Lines 48-61).

Regarding Claims 7-9, 12 and 21-23, the limitations of this claim are similar to the limitations of Claim 1, above and were addressed in rejecting Claim 1, above. In addition, Cogger discloses the request is made over the access network providing a communication path between the particular end-user and a data center (Col 3, Lines 31-37)³.

Regarding Claim 10, Cogger discloses a dialup connection (Col 5, Lines 19-30).

Regarding Claims 11, 13 and 24-25, Cogger discloses a telephone company (Col 16, Lines 28-31).

³ Please note that the Examiner is interpreting the "open access network" to be similar to the Internet.

Regarding Claims 14 and 27, Cogger discloses a forwarding path (Col 4, Lines 20-26, i.e. *an organization field indicating what customer or service organization that currently has authority over the trouble ticket*; see also Col 4, Lines 7-8, i.e. *a service organization that has been assigned the trouble ticket*).

Regarding Claims 15, 28 and 34, Cogger discloses a virtual local area network (Col 8, Lines 62-66, i.e. *virtual data network*).

Regarding Claims 20 and 31 Cogger discloses:

plurality of end-user service entries (Figure No. 11 and corresponding text, i.e. ticket list)

an end-user identification indicator (Figure No. 11, i.e. Ticket Number⁴; see also Col 3, Lines 48-56; see also Col 6, Line 66 through Col 7, Line 3, i.e. user identity, authentication and entitlement; see also Figure No. 8, i.e. phone number);

a selected service indicator corresponding to a selected one of⁵ the first service and the second service (Figure 6, Element No. 316 and 318 and corresponding text; see also Col 13, Lines 7-14⁶); and

a selected service provider indicator (Col 3, Lines 34-39, i.e. *the Web-server downloads an available suite of services for that customer*; see also Col 4, Lines 15-20, i.e. *display*

⁴ Please note that the Examiner's interpretation to the "end-user identification" is based on the ticket number according to Cogger's description on Col 3, Lines 31-39. Where the user (end-user) is logging on to the system (ticketing system) he/she is being authenticated to make sure he/she is entitled to use the system (please also see Col 3, Lines 48-56). The system now identified the user, so when a ticket number is assigned to that user, the ticket number can also be interpreted as a customer ID because it is unique to that user.

⁵ Please note that the "one of" is directing the Examiner to select only one service.

⁶ Please note that the drop down menu button of Figure No. 6, Element No. 318 with the provided Appendix "A" showing in Col 17-19, is the indications of the availability to many services (not just two).

a scrollable table; see also Col 4, Lines 20-26, i.e. an organization field indicating what customer or service organization that currently has authority over the trouble ticket; see also Col 4, Lines 7-8, i.e. a service organization that has been assigned the trouble ticket);

a service provider selection mechanism (Col 2, Lines 19-25; see also Col 6, Lines 10-14; see also Col 3, Lines 26-30; see also Col 3, Lines 34-39, i.e. *the Web-server downloads an available suite of services for that customer, see also Col 4, Lines 15-20, i.e. display a scrollable table*) configured to populate the digital repository with an end-user service entry (Col 4, Lines 20-26, i.e. *an organization field indicating what customer or service organization that currently has authority over the trouble ticket; see also Col 4, Lines 7-8, i.e. a service organization that has been assigned the trouble ticket*); and

a service request mechanism (Figures 5-7 and corresponding text); and

a path determination mechanism configured to query the digital repository for a retrieved end-user service entry based on the end-user and the requested service (Figure 11 and corresponding text; see also Col 15, Lines 30-38)

and to provide a network path from the end-user to a selected service provider (Col 12, Lines 25-35)

the selected service provider being determined based on information stored in the retrieved end-user service entry (Figures 6-7 and corresponding text).

Regarding Claim 35, the limitations of this claim are similar to the combination of the rejected claims 16 and 18 above. Claim 35 was addressed in rejecting claims 16 and 18 above. It is therefor rejected as set forth above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 16-19 and 29-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Timothy Cogger (U.S. Patent No. 6,032,184 and Cogger hereinafter) in view of Lee S. Mighdoll (U.S. Patent No. 6,332,157 and Mighdoll hereinafter).

Regarding Claims 16, 17, 19 and 29, Cogger's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the feature for routing the particular end-user to an alternate service provider when a path is not available and to provide the service. However, Mighdoll discloses routing the particular end-user to an alternate service provider when a path is not available (Mighdoll, Abstract; see also Col 13, Lines 43-61; see also Figure 9, Element No. 902 and 906 and corresponding text; see also Col 2, Lines 50-57).

Given the intended broad application of Cogger's system, It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Cogger with the teachings of Mighdoll to include the feature of re-routing the request, and the motivations to do so would be to better balance the load of requests among the plurality of service providers (Mighdoll, Col 2, Lines 30-39), also

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to increase the reliability of the system by maintaining backups (other service providers) in case of a an overload.

Regarding Claims 18 and 30, Mighdoll discloses assigning a user-specified service provider (Col 2, Lines 58-67).

Other Prior Art Made of Record

13. a. Lurie et al. (U.S. Patent No. 6704403) discloses an apparatus and method for ensuring a real-time connection between users and selected service provider using voice mail;

b. Bahlmann (U.S. Patent No. 6487594) discloses a policy management method and system for internet service providers; and

c. Pruett et al. (U.S. Patent No. 5953389) discloses a combination system for provisioning and maintaining telephone network facilities in a public switched telephone network.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Points of Contact

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

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Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314

Haythim J. Alaubaidi

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Art Unit 2161

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